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Reserve

U. S. DEPARTMENT OF AGRICULTURE.
FOREST SERVICE.

GIFFORD PINCHOT, Forester.

REVISED REGULATIONS AND INSTRUCTIONS
IN REFERENCE TO GRAZING.

Issued by the Secretary of Agriculture.
To take effect January 1, 1906.

U. S. DEPARTMENT OF AGRICULTURE,

FOREST SERVICE,

Washington, D. C., December 21, 1905.

SIR: I have the honor to present for your approval a draft of revised regulations and instructions in reference to grazing. The experience of the past six months has shown that the modifications now recommended will allow the stockmen a more practicable use of the reserves and at the same time aid in a better administration. This action is preliminary to the general revision of the regulations which will be made on July 1, 1906.

Very respectfully,

GIFFORD PINCHOT,

Forester.

Hon. JAMES WILSON,

Secretary.

U. S. DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY,

Washington, D. C., December 22, 1905.

The accompanying regulations bearing date December 21, 1905, are, by authority conferred by law upon the Secretary of Agriculture, hereby approved, made, and established to take effect January 1, 1906, and all previous regulations in conflict with the same are hereby repealed. The Forester is authorized to issue instructions in conformity with these regulations.

JAMES WILSON,

Secretary.

REVISED REGULATIONS AND INSTRUCTIONS IN REFERENCE TO GRAZING.

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the forest reserves. Under his direction the Forest Service will allow the use of the forage crop of the reserves as fully as the proper care and protection of the forests and the water supply permits. In new forest reserves where the live-stock industry is of special importance, full grazing privileges will be given at first, and if reduction in number is afterwards found necessary stockmen will be given ample opportunity to adjust their business to the new conditions. Every effort will be made to assist the stock owners to a satisfactory distribution of stock on the range in order to secure greater harmony among citizens, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

(a) The protection and conservative use of all forest reserve land adapted for grazing.

(b) The best permanent good of the live-stock industry through proper care and improvement of the grazing lands.

(c) The protection of the settler and home builder against unfair competition in the use of the range.

On the other hand, the Forest Service expects the full and earnest cooperation of the stock owners to carry out the regulations.

Permits will be issued to graze a certain number of live stock in each reserve or part of a reserve, so long as no marked damage is done by such stock; but whenever a reserve is being injured by too much stock, or the way it is being handled, the number will be reduced until the damage is stopped. In extreme cases, if necessary, all stock will be excluded.

Cattle and horses will usually be allowed to graze in all reserves. Sheep and goats will be allowed to graze in reserves or in parts of reserves where special conditions warrant such privileges, but will be restricted to the areas and grazing periods fixed by the forest officers.

Permits will usually be granted for one year, but where all controversies have been settled and only a proper number of stock are allowed, permits may be granted for more than one year, if conditions are favorable.

sheep allowed pack stock only

REG. 9. All persons must secure permits before grazing any stock in a forest reserve, except the few head in actual use by prospectors, campers, and travelers, and milch cows or work animals not exceeding a total of six head owned by bona fide settlers, which are excepted, and require no permit. Any person responsible for grazing stock without a permit is liable to punishment for violation of the law.

Rangers will report the approximate number of stock entitled to graze without permit in each district, in order that the supervisor may consider it in his recommendation for grazing. This class of stock will not be counted against the number which is allowed to graze under permit.

REG. 10. The grazing privilege will be granted only to citizens of the United States.

REG. 11. The Secretary of Agriculture will determine the number of stock to be allowed in a reserve for any

year. The period during which grazing will be allowed is determined by the Forester. The supervisor is authorized to issue grazing permits in accordance with the instructions of the Forester.

The grazing season for which permits are issued must not exceed the period authorized, and the total number of stock included in all permits issued must not exceed the number allowed by the Secretary's order.

The period covered by year-long permits will begin at the opening of the regular summer grazing season and end on the day previous of the following year.

Applicants for grazing permits will be given preference in the following order:

(a) Small near-by owners.

Persons living in or close to the reserve whose stock have regularly grazed upon the reserve range and who are dependent upon its use.

(b) All other regular occupants of the reserve range.

After class (a) applicants have been provided for, the larger near-by owners will be considered, but limited to a number which will not exclude regular occupants whose stock belong or are wintered at a greater distance from the reserve.

(c) Owners of transient stock.

The owners of stock which belong at a considerable distance from the reserve and have not regularly occupied the reserve range.

Priority in the occupancy and use of the range and the ownership of improved farming land in or near the reserves will be considered, and the preference will be given to those who have continuously used the range for the longest period.

The applications of new settlers owning small bands of stock will be considered in all cases except where the range is fully occupied by small owners.

The number of stock allowed an applicant will be determined upon the merits of each case.

Whenever it is found necessary to reduce the number of stock allowed in any reserve or portion of a reserve, the small owners of stock are first provided for; the reduction is then made on the number allowed the larger owners on the basis of a sliding scale

suitied to the conditions in each case. Class (c) stock will be excluded before the other classes are reduced.

The owners of stock which belong in the State or Territory in which a forest reserve is located will be given the preference, and resident owners will be considered first; but owners of stock coming from adjoining States or Territories will also be considered when circumstances warrant it.

REG. 12. The supervisor will set and give public notice of a date each year on or before which all applications for grazing permits must be presented to him. Permits will be refused to persons who do not file their applications within the required limit, unless satisfactory reasons are given.

Applications and permits will be divided into two classes, cattle and horses, and sheep and goats. Permits for each class will be numbered separately, conforming to the applications, and a separate set of records will be kept for each.

The supervisor will send the Forester a duplicate copy of each permit issued.

Whenever there is dispute between applicants for the privilege of grazing stock on the same area or district, if the supervisor is unable otherwise to determine who is best entitled to a permit, he will notify the applicants to appear before him at a stated time and place, then and there to make a statement of their claims. After all evidence has been presented, the supervisor will decide who shall be granted permits, and his decision will be final unless written notice of appeal to the Forester is given him within ten days thereafter. Appeal will avail only in case of error.

Upon approval of a grazing application the supervisor will immediately notify the applicant and send the Forester a copy of the notice.

Whenever a grazing application is disapproved the supervisor will at once notify the applicant to that effect by letter, giving the reason for such action and also send a copy of the letter to the Forester.

Applications which are disapproved will not be included in the numbered series.

REG. 13. Reserves in which grazing is allowed will be divided into districts approved by the Forester, and such

range divisions made among applicants for the grazing privilege as appear most equitable and for the best interest of the reserve. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, stock will be excluded from specified areas for such period of time as is necessary.

REG. 14. The construction and maintenance of drift or division fences will be allowed when they will be a benefit to the reserve or its administration, and will not interfere with the use of the range by all who are equitably entitled to share in the grazing privilege.

A fence may be constructed or maintained if it does not give control of an area in excess of that actually required for pasturage of the stock which the person or persons maintaining it would be entitled to graze. If the range controlled by a fence is excessive in area, and should be shared by applicants other than those now using it, the fence must be either removed or changed, or the range opened to other permittees who are entitled to share in its use.

All drift or division fences must be provided with gates at such points as are necessary to allow ingress and egress to all persons who are entitled to enter the reserve.

This privilege is granted without charge other than the regular grazing fee. (See instructions under Regulation 24.)

At the end of each season the supervisor will go over the grazing grounds without delay and examine the effect of grazing on the reserve. He will make a full report to the Forester, with recommendations as to the number of stock to be allowed the following year, the division of the range into districts, and the areas to be opened or closed to grazing. *letter*

REG. 15. Permits will be granted only to the actual owners of stock and for their exclusive use and benefit, and will be forfeited if sold or transferred in any manner or for any consideration without the consent of the supervisor. Speculation in the use of grazing permits will

not be allowed and permits may be refused or canceled for false statement of the number of stock owned.

In case a permittee shall sell the stock covered by permit to a purchaser who wishes to continue grazing it on the forest reserve, upon presentation to the supervisor of evidence that the sale is bona fide, the permit will be canceled and a new permit issued to the purchaser, without cost, for the remainder of the grazing period allowed in the original permit. The transfer of a permit does not carry with it any guarantee that a renewal will be allowed for the number of stock the original permittee might have been entitled to graze, but is granted with the understanding that the purchaser will be considered solely upon the merits of his case in subsequent permit allotments.

REG. 16. Grazing applications must not cover more stock than the applicant desires to graze in the reserve, and must show the marks and brands of the stock, the portion of the reserve or district in which pasture is desired, and the grazing period.

Persons who fail to use their grazing permits or to pay the grazing fee within 30 days from the date of notice that their applications have been approved must notify the supervisor and give satisfactory reasons for not doing so, or they may be denied the grazing privilege the following season.

APPLICATION FOR GRAZING PERMIT.

No. _____.

_____, 190—.

I, _____, of _____, being a citizen of the United States and a resident of the State of _____, do actually own and make application for the privilege of pasturing—

_____ head of cattle,
_____ head of horses,
_____ head of sheep,

branded, _____, within the _____ Forest Reserve, from _____, 190—, to _____, 190—: *Provided*, That the animals shall not intrude upon any areas upon which grazing is prohibited.

It is my desire to graze said animals upon that part of the reserve described as follows:

This application is made for my own exclusive use and benefit, and not directly or indirectly for the use of any other person. If it is granted, I do hereby agree to pay the amount due for grazing fees promptly upon receipt of notice that it has been granted, and to comply fully with all forest-reserve rules and regulations now or hereafter adopted.

I also hereby bind myself and employees engaged in caring for the animals while on the reserve to extinguish all camp fires started by myself or any of my employees before leaving the vicinity thereof, and to aid in extinguishing all forest fires within the territory occupied by me or my employees.

I also agree to forfeit the permit for a violation of any of its terms or of the terms hereof, or whenever an injury is being done the reserve by reason of the presence of the animals therein.

_____,
(P. O. address) _____.
Approved for—

— cattle, — horses, — sheep.

Whenever the supervisor desires such information, he is authorized to require applicants to file a supplemental certificate setting forth the location and area of their ranches and also of the public lands used for grazing, the number and class of stock owned, and the length of time they have occupied the range.

REG. 17. When an owner who has a permit is ready to drive in his stock he must notify the supervisor, by mail or otherwise, stating the number, and if cattle or horses, giving the brands; he must also notify the supervisor when the stock is removed from the reserve. If called upon to do so, he must provide for having his stock counted before entering the reserve, or at any time afterwards when the number of stock appears to be greater than the number covered by permit. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by

permit if the nearest forest officer is notified of such action at once.

REG. 18. Each person or group of persons granted grazing privileges will be required to repair all damage to roads or trails caused by the presence of their stock in any portion of a reserve, and to build any new roads or trails found necessary for the proper handling of the stock. They will also be required to fence any spring or seep which is being damaged by tramping, and, if necessary, pipe the water into troughs for stock-watering purposes. Such troughs must be open for public use.

REG. 19. Sheep must not be bedded more than six nights in succession in the same place, except when bedding bands of ewes during lambing season, and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

The carcasses of all animals which die in the close vicinity of any water must be immediately removed and buried or burned.

All stock grazed under permit must be salted regularly and at such places as are designated by the forest officers, and the owners of stock must notify the forest officers when any such order has been complied with.

REG. 20. All persons holding grazing permits are required to extinguish camp fires started by them or their employees before leaving the vicinity thereof, and to aid in extinguishing all forest fires within the division or district of the reserve in which they are grazing stock.

Whenever an injury is being done the reserve by reason of improper handling of the stock, the owner must comply with the orders of the forest officers or the permit will be canceled and the stock removed from the reserve.

REG. 21. All stock which is grazed under permit in

or allowed to cross any forest reserve will be required to conform to the quarantine regulations of the Bureau of Animal Industry and all live stock laws of the State or Territory in which the reserve is located.

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that effect has been given the Forester by the Bureau of Animal Industry, the owners of all stock to be grazed in forest reserves must, if required to do so, submit the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors, or the permit will be canceled and the stock removed from the reserve.

The owners of all stock grazed under permit must comply with the live-stock laws of the State or Territory, or their permits will be canceled. Rangers will report at once any violation of the live-stock laws, and will assist the stock owners to protect their property against loss by theft.

REG. 22. Persons who own, or who have leased from the owners, land within any reserve which they desire to use for grazing purposes, will be allowed to cross the reserve lands with their stock to reach such private holdings, but must make application to the supervisor for the privilege of crossing. The application must be accompanied by a certificate of title showing the description and ownership of the land, and, if leased from an owner, a certified copy of the lease, and must state the number of stock to be taken in, the length of time required to cross the reserve land, the route over which the stock is to be driven, the period during which the stock will remain upon the land, and how much stock the owned or leased land will pasture during the period specified. When any such application is made to the supervisor he will examine it, and if he finds it reasonable and just and

made in good faith for the purpose of utilizing such private holdings only, he will approve it and forward it to the Forester. After the Forester approves the application due notice will be given the applicant through the supervisor, and he may then take his stock in.

REG. 23. Persons wishing to drive stock across any part of a forest reserve must make application to the supervisor, either by letter or on the regular grazing application form, for the privilege of grazing the stock on the reserve en route, and must have a permit from the supervisor before entering the reserve. The application must state the number of stock to be driven across the reserve, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the supervisor, and will only be allowed for the period actually necessary for stock to cross the reserve.

No charge will be made for crossing permits issued under Regulations 22 and 23.

If occasion demands, forest rangers will be detailed by the supervisor to accompany the stock and see there is no delay or trespassing.

Permits will not be required for driving small bands of stock along public highways.

Whenever it appears necessary for stock to cross regularly any portion of a forest reserve in which grazing is prohibited, the supervisor will make a full report of the facts, with a description of the regular route traveled, the width of driveway necessary to allow the proper grazing of stock across the reserve, the number and class of stock which will probably cross, and the number of days required for crossing the portion of the reserve referred to. Upon receipt of such report by the Forester, if the circumstances warrant such action, a regular driveway will be established and the privileges to be granted will be defined.

REG. 24. The construction of corrals upon forest reserve lands covering an area of not more than one (1) acre, to

be used in connection with the proper handling of live stock which is permitted to graze thereon, will be allowed whenever in the judgment of the forest officers such corrals are necessary and will not be detrimental to the proper care of the reserve. The construction of inclosures upon forest-reserve lands containing not more than three hundred and twenty (320) acres will be allowed, when such inclosures are necessary for the proper handling of the stock allowed to graze upon the reserves, as a special privilege for which an annual rental of not less than four (4) cents per acre will be charged in addition to the regular grazing fee. The fencing up of watering places for the purpose of controlling adjoining range will not be allowed, and in fencing pastures provision must be made to allow free access to water by any stock grazing under permit. The application must state the exact location and area of the land to be inclosed, and must be accompanied by an agreement to pay the annual rental in advance and to comply with all forest reserve rules and regulations.

Under this regulation the construction and maintenance of pastures will be allowed for the following purposes:

To pasture saddle horses used in handling the stock.

To pasture beef steers or stock cattle which are being gathered and held just previous to their removal from the reserve.

To give settlers who live upon lands either within or on the border of a reserve the exclusive use of adjoining pasture lands during a portion of the year, when needed for protection against other stock which is permitted to graze on the reserve.

The privileges granted under Regulations 14 and 24 confer no property rights whatever, and all such improvements will revert to the Government upon the expiration of the grazing permit, or of its renewal, unless the Forester allows other disposition.

The agreement may be made to cover a period of

from one to five years, provided it stipulates that failure to secure a renewal of the grazing permit, in connection with which it is granted, will cancel the agreement for the maintenance of the drift or division fence, or pasture.

Upon receipt of an application by the supervisor he will forward it to the Forester, with a recommendation for its approval or rejection. If approved by the Forester the applicant will be notified through the supervisor, and upon payment to the Special Fiscal Agent, Washington, D. C., of the grazing fees or rental for the year the construction or occupancy may begin.

REG. 25. On and after January 1, 1906, a reasonable fee will be charged for grazing all classes of live stock on forest reserves. In the beginning the minimum price charged will be as follows, depending upon the advantages and locality of the reserve: From twenty (20) to thirty-five (35) cents per head for cattle and horses for the regular summer grazing season, and from thirty-five (35) to fifty (50) cents per head for the entire year; from five (5) to eight (8) cents per head for sheep for the regular summer grazing season; and from eight (8) to ten (10) cents per head for goats for the regular summer grazing season. An extra charge of two (2) cents per head on grown stock only will be made for sheep and goats which are allowed to enter the forest reserves for the purpose of lambing and kidding.

These prices will be gradually advanced when the market conditions, transportation facilities, and demand for reserve range warrant it, but the grazing fee charged will in all cases be reasonable and in accordance with the advantages of the locality.

A special concession has been made in grazing permits on cattle for the season of 1906, in order to protect and assist small owners and home builders, by giving a half rate on cattle up to the number allowed in

the highest permit of the lower half of all permits issued in each State or Territory for 1905. The limit is found to be as follows:

State or Territory.	Half rate limit.
	<i>Cattle.</i>
Arizona	75
California	50
Colorado	60
Idaho	30
Kansas	50
Montana	60
Nebraska	50
New Mexico	30
Oklahoma	50
Oregon	30
South Dakota	30
Utah	30
Washington	30
Wyoming	100

REG. 26. Breeding stock entering before the breeding season will be counted on an average percentage basis, which will be fixed by the Forester to fit the conditions in each reserve. All stock 6 months old and over, at the time of entering, will be counted at the same rate as grown stock.

In calculating the number for which permit will be required and the amount to be paid for grazing cattle and horses no count or charge will be made on calves or colts under six months of age at the time of entering, or for those born during the year for which permit is granted. The intent is that calves and colts born during any calendar year shall be charged for during the following year.

In counting sheep and goats, each two head of lambs or kids under six months of age will be counted as equal to one head of grown stock. In deciding the number for which an application made prior to the birth of lambs or kids should be approved, an

estimate of the increase will be made on a percentage basis fixed for each reserve by the Forester. 8370

REG. 27. All grazing fees are payable for each year strictly in advance. When an applicant for a grazing permit is notified by the supervisor that his application has been approved he will remit the amount due for grazing fees to the Special Fiscal Agent, Washington, D. C., within thirty days from the date of the notice, and upon return of the receipt to the supervisor a permit will be issued allowing the stock to enter the reserve and remain during the period specified.

REG. 28. Whenever it is necessary for the protection of a forest reserve, or the interests dependent upon it, the supervisor may require the owners of transient stock or nonresidents of the State or Territory in which a reserve is located to give a good and sufficient bond to insure payment for all damage caused by any violation of the regulations or the terms of the permit.

WILD HAY. 17.5.10. A
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REG. 29. Wild grass upon forest reserves may be cut for hay under permits issued by supervisors. A reasonable charge per acre may be made, to be fixed by the supervisor under general instructions from the Forester. Application should be made in writing to the supervisor, directly or through a ranger, stating the location and area of the tract desired and the price offered.

Applications or permits to cut hay need not be upon regular blanks. Supervisors anticipating business of this kind should report to the Forester and suggest a price per acre for his approval. Under instructions then received they will issue permits, retaining duplicates, agreed to and signed by the applicant, for office records. They will not permit cutting until the purchase price has been forwarded to the Special Fiscal Agent.